

The Lord Murray of Blidworth
House of Lords
London
SW1A 0PW

23rd September 2025

Dear Lord Murray,

BORDER SECURITY, ASYLUM AND IMMIGRATION BILL: HOUSE OF LORDS COMMITTEE

I am writing further to the debate in Committee on 8th September, where you asked for further details on the Government's view that amendment 158 is considered incompatible with the Refugee Convention.

Under the proposed amendment to the Bill, sexual offences which give rise to the notification requirement in Schedule 3 of the Sexual Offences Act 2003 will be assumed to be 'particularly serious' for the purpose of applying Article 33(2) of the Refugee Convention, thereby allowing the UK to exclude those individuals from being granted asylum protections in the UK.

Your amendment sought to insert convictions under Part III of the Immigration Act 1971, or clauses 13, 14 and 18 of the Border Security, Asylum and Immigration Bill once enacted, within the same definition of a 'particularly serious crime'. As you will be aware, it is open to the UK to interpret the Refugee Convention and the definition of a 'particularly serious crime' in good faith.

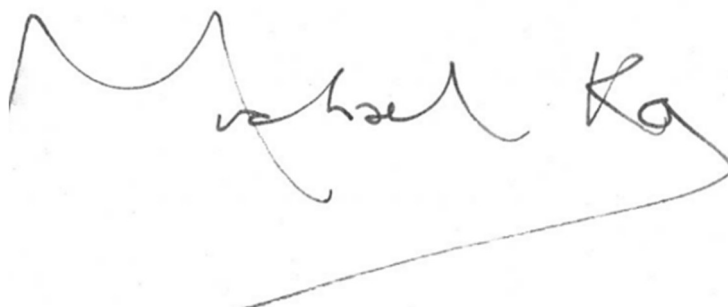
The criminality thresholds amendment focuses on Schedule 3 sexual offences. This is because by their very nature, sexual offences and especially particularly serious sexual offences (those which give rise to the notification requirements), can have very serious impacts on their victims, as well as having a negative impact on the overall fabric of society. Where such offences are committed by asylum seekers or refugees, they can also have a corrosive effect on social cohesion and public perceptions of both the asylum system and of asylum seekers, the overwhelming majority of whom do not commit such offences.

Parliament has already decided that the offences contained within Schedule 3 are serious enough to warrant the imposition of the notification requirements. Parliament considers that these offences sit in a unique category, not least given the impact they have on victims and communities. The offenders who would be captured by this change will have committed an offence deemed serious enough to justify the intrusion of the notification

requirements on their human rights and to require ongoing management of the offender by the police. As stated previously, it is open to the UK to interpret the Convention in good faith, and it is considered that immigration offences that do not carry a custodial sentence of more than 12 months, cannot, in good faith, be interpreted as a particularly serious crime, within the same definition as the heinous acts contained within Schedule 3.

I hope you find this letter helpful. I will also send a copy to all Noble Lords who spoke in the debate and will place a copy in the House library.

Best wishes,

A handwritten signature in black ink, appearing to read 'Michael Katz', with a long horizontal flourish extending from the end of the signature.

The Lord Katz MBE
Lord in Waiting (Government Whip)